

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OSCAR RENTERIA, *et al.*,

Plaintiff,

vs.

EUGENE CLEVELAND CANEPA,

Defendant.

Case No. 3:11-cv-00534-ECR-CWH

ORDER

This matter is before the Court on Plaintiffs' Application for Order Setting Judgment Debtor Exam (#19), filed August 23, 2012. Having secured a judgment in its favor for approximately \$999,000.00, Plaintiffs request an order requiring Defendant Canepa to appear for a judgment-debtor examination.

Federal Rule of Civil Procedure 69 provides that the procedure regarding "proceedings supplementary and in aid of judgment or execution—must accord with the procedure of the state where the court is located." Federal Rule of Civil Procedure 69(a)(1). Rule 69 further provides that "[i]n aid of judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located." Fed. R. Civ. P. 69(a)(2). The scope of post-judgment discovery is broad and the judgment-creditor is permitted to make a broad inquiry to discover any hidden or concealed assets of a judgment-debtor. *1st Technology, LLC v. Rational Enterprises, LTDA*, 2007 WL 5596692 *4 (D. Nev.) (citation omitted). Rule 69 permits a judgment creditor to obtain post-judgment discovery pursuant to the procedures set forth in the Federal Rules of Civil Procedure or pursuant to state law. *Id.* Under Nevada law:

A judgment creditor, at any time after the judgment is entered, is entitled to an order from the court requiring the judgment debtor to appear and answer upon

1 oath or affirmation concerning his or her property, before:

2 (a) The judge or a master appointed by the judge; or

3 (b) An attorney representing the judgment creditor,

4 at a time and place specified in the order. No judgment debtor may be required to
5 appear outside the county in which the judgment debtor resides.

6 Nevada Revised Statutes ("NRS") 21.270(1).

7 The Court agrees that the requested judgment-debtor exam is authorized under the
8 aforementioned law. However, Plaintiffs' motion requests that the Judgment-Debtor appear for the
9 examination on September 27, 2012. That date has passed. The undersigned expresses no view
10 regarding the several categories of documents Plaintiffs request that the Judgment-Debtor bring
11 with him to the examination. Plaintiffs are reminded that such requests must conform to the
12 Federal Rule or "the procedure of the state where the court is located." Fed. R. Civ. P. 69(a)(2).

13 Based on the foregoing and good cause appearing therefore,

14 **IT IS HEREBY ORDERED** that Plaintiffs' Application for Order Setting Judgment
15 Debtor Exam (#19) is **denied without prejudice**.

16 DATED this 4th day of October, 2012.

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19 **C.W. Hoffman, Jr.**
20 **United States Magistrate Judge**
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